IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 28764 of 1995

Between:

Palla Rajeshwara Reddy, s/o.Raghava Reddy,

Aged about 31 years, r/o.at Plot No.3, Lalithanagar,

Adikmet,Hyderabad-500 044.A.P.

..... PETITIONER

AND

1.The Director of School Education,

Government of A.P.,Hyderabad.

2.The District Educational Officer,

Khammam,Khammam District, A.P.

3.The Revenue Divisional Officer,

Warangal,Warangal District, A.P.

4.The District Collector,Warangal District,Warangal, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, declaring the order of the

first respondent herein issued in his Proceedings L.Dis.No.2919/H2/94, dt.31-3-1995 as illegal and direct the first respondent to correct the petitioner's date of birth in Secondary School Certificate with Roll No.165027/March,1979,dt.12-6-1979 as 11-7-1965 instead of 4-11-1963 as per the Certificate issued by the Registrar of Births and Deaths, Selection Grade Municipality Warangal District, dt.14-6-1989 after calling for the records.

Counsel for the Petitioner:MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

This Writ Petition is filed seeking a declaration that the order of the first respondent issued in proceedings L.Dis.No.2919/H2/94, dated 31-3-1995 as illegal and consequently for a direction to the first respondent to correct the date of birth in Secondary School Certificate with Roll No.165027/ March, 1979 dated 12-6-1979 as 11-7-1965 instead of 4-11-1963 as per the Certificate issued by the Registrar of Births and Deaths, Warangal Municipality, dated 14-6-1989.

The grievance of the petitioner is that though he was actually born in the year, 1965 at the time he joined the school, a wrong entry was made as if he was born in the year 1963. Accordingly he prosecuted his studies and passed 10th class and in the certificate issued by the Director of School Education, it is wrongly mentioned as 4-11-1963. However, coming to know that he was born in the year 1965, he obtained a certificate from the concerned authorities and when same was produced, the respondents refused to make the necessary corrections and accordingly issued proceedings in L.Dis.Rc.No.634/H1-9/93 dated 24-5-1993. As against that proceedings, he approached this Court and filed W.P.No.14357 of 1994 and this Court by its orders dated 5th December, 1994 held that the G.O.Ms.No.430, Education, dated 31-12-1992 referred to by the Director of School Education has no relevance as it has no retrospective effect and accordingly directed the respondents to dispose of the application submitted by the petitioner for correction of the date of birth within a period of one month from the date of receipt of a copy of the order.

In spite of the said direction, the Director of School Education again issued

proceedings dated 31-3-1995, which are impugned in the writ petition to the very same effect taking into consideration G.O.Ms.No.898, Education, dated 29-8-1977. According to the petitioner though G.O.Ms.No.430, Education, dated 31-12-1992 imposed a restriction that the application shall be presented within a period of three years, subsequently the Government issued another order in G. O. Ms. No. 170, Education, dated 30-4-1991, according to which, though such applications are made after 3 years, they can be entertained. According to the petitioner though G.O.Ms.No.170 is categorical, without referring to the said G.O., the Director of School Education has referred to only G.O.Ms.No.898, Education, dated 29-8-1977 in rejecting the petitioner's case which is illegal.

Heard both the learned counsel on either side.

No doubt, it is true that G.O.Ms.No.898, Education, dated 29-8-1977 imposed a restriction that the candidate has to approach the competent authority within a period of three years from the date of passing S.S.C. examination. However, when we read the said G.O. along with G.O.Ms.No.170, Education, dated 30-4-1991, the said restriction is relaxed. It is necessary to extract the relevant portion of G.O.Ms.No.170, Education, dated 30-4-1991.

> *" The Director of School Education is empowered to entertain and effect corrections in respect of the applications for the correction of the date of birth in a completed Secondary School Leaving Certificate, Higher Secondary Certificate, Higher Secondary (Multipurpose) Certificate, even though such applications are made after three years from the date of completion of the said course "*

This G .O. Ms. 170 came into existence on 30th April, 1991, whereas the representation of the petitioner was sent by the Head Master of the concerned School to the Director of School Education through the District Educational Officer, Khammam on 12-8-1991. When that be the case and when the Director of School Education is referring to one G.O. i.e. G.O.Ms.No.898, it is not known as to how they ignored the subsequent G.O. i.e. G.O.Ms.No.170 dated 30-4-1991, while considering the case of the petitioner.

In view of the same, I am inclined to hold that the impugned proceedings issued by the Director of School Education on 31-3-1995 are illegal and consequently the said proceedings issued by the Director of School Education are

hereby set aside. The Director of School Education is hereby directed to consider the case of the petitioner afresh by taking into consideration the G.O.Ms.No.170, Education, dated 30-4-1991 also, within a period of eight (8) weeks from the date of receipt of a copy of this order.

This writ petition is, accordingly, disposed of. No costs.

23-09-2004

Stp

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Director of School Education,

Government of A.P.,Hyderabad.

2.The District Educational Officer,

Khammam,Khammam District, A.P.

3.The Revenue Divisional Officer,

Warangal,Warangal District, A.P.

4.The District Collector,Warangal District,Warangal, A.P.

5.2CCs to G.P. for Education, A.P.High Court Buildings (OUT).

6.2CD copies

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

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